



Zoning Board of Appeals
Town of Westford
55 Main Street
Westford, MA 01886

Record of Proceedings and Notice of Decision Petition BOA 1501 "B" VAR

Applicant: Douglas C. Deschenes, Attorney
Property Owner: Richard DeFelice/540 Groton Road, LLC & Newport Materials, LLC
Property Location: 540 Groton Road, Westford, MA 01886
Zoning District: Industrial A (IA)
Assessors Map and Parcel: Map 048 Parcel 0011, Lots 0234, 0248 & 0249
Application Submitted: January 5, 2015
Public Hearings: February 25, 2015, March 18, 2015 & May 6, 2015
Board of Appeals Vote: Approved (4-1-0)

Filed with Assistant Town Clerk: May 15, 2015

Appeal Period Ends: June 4, 2015
(20 days after filed with Town Clerk)
Available for Pick-up: June 5, 2015

RECEIVED
MAY 15 2015
TOWN CLERK
WESTFORD

DECISION

At its regular meeting held on Wednesday March 18, 2015, the Zoning Board of Appeals (Board) voted 5-0-0 to APPROVE the Variance application submitted by Attorney Douglas Deschenes on behalf of Newport Materials, LLC and 540 Groton Road, LLC. However, at a Special Meeting held on March 31, 2015, and at the request of the Applicant, the Board voted 3-2-0 to reopen the public hearing.

At a Special Meeting held on May 6, 2015, the Board voted **4-1-0** to APPROVE the Variance application submitted under Section 10.2 of the Town of Westford Zoning Bylaw regarding the term "quiet" within the definition of Light Manufacturing to allow the addition of an Asphalt Manufacturing Facility at 540 Groton Road (also known as 20 Commerce Way) with respect to the westerly property line (abutting the Fletcher Quarry), specifically so as to allow a maximum of 75dBA at said westerly property line (*75 dBA exceeds the maximum 70 dBA allowed, and provides a 32 dBA increase above ambient sound level whereas only a 10 dBA increase above ambient is allowed*). (*Refer to 10 MISC 429867 (AHS) – Newport Materials, LLC and 540 Groton Road, LLC, Plaintiffs, vs. Planning Board of the Town of Westford and the Town of Westford, Defendants*).

BACKGROUND

1. In 2009 – 2010, the Planning Board considered applications from the Applicant to construct an Asphalt Plant at 540 Groton Road. The Board held 21 hearings over the course of a year and in April 2010 denied the Site Plan Review and two Special Permit applications on the basis that the proposed plant did not qualify as a Light Manufacturing Use in accordance with the definition in the Zoning Bylaw (Section 10.2). That denial was appealed by the Applicant, and following 4 years of litigation at Land Court, including a 3-day trial in November 2013, a

Decision was issued that sent the case back to the Planning Board Newport Materials, et al v. Planning Board of Westford, et al. 10 MISC 429867 (LC Decision).

2. As directed by the Court, the Applicant submitted a Variance application to the Board of Appeals (Board) for multiple principal uses on a lot. The Applicant also submitted a Special Permit application to the Board for extension of non-conforming use under Section 3.6.2 of the Zoning Bylaw. The Applicant also filed an application for a Special Permit under Section 9.3 of the Zoning Bylaw. On January 16, 2015, the Applicant requested withdrawal of the Special Permit application previously submitted under Section 9.3 of the Zoning Bylaw. On January 16, 2015, the Applicant submitted to the Board a request for a Variance from the term "quiet" in the definition of Light Manufacturing, as that term has been construed by the Land Court in the LC Decision, so that they might exceed the noise criteria in Section 9.3A, which sets maximum noise levels.
3. In accordance with the LC Decision, the Applicant must obtain a Special Permit for a Major Commercial Project from the Planning Board, even if Variance relief is obtained to allow multiple principal uses on the subject property.
4. In April of 2011, the Department of Environmental Protection (DEP) issued a Modified Clean Air Permit. The modified DEP permit was the result of a settlement between the Applicant and 47 Chelmsford residents. The DEP permit sets specific conditions including but not limited to:
 - a. Specific emission limits and pollution control devices for 4 different emission causing elements of the project (DEP page 6);
 - b. 60,000 tons of asphalt per month/300,000 tons per 12 month period;
 - c. Operational hours of 6:00 a.m. to 7:00 p.m. Monday through Saturday, and not between December 15 and March 15;
 - d. Requirements for noise studies after the plant is operational;
 - e. Requirements for testing of emissions with DEP personnel present 120 days after operational;
 - f. Specific performance measures relating to air quality and monitoring of air quality; and
 - g. Specific equipment and operational procedures.
5. Concurrent applications were reviewed by the Planning Board for Site Plan Review (SPR), Special Permit for a Major Commercial Project (SP MCP), Special Permit for above-ground storage of hazardous waste in quantities greater than normal household use (10,000-gallon tank) within a Zone III of a Water Resource Protection Overlay District (SP WRPOD), and a Stormwater Management Permit (SWM). On April 14, 2015, the Planning Board denied the SP MCP and approved the SPR, SP WRPOD and SWM.
6. The Board of Appeals is not a party to the Land Court litigation and is NOT under the Land Court's jurisdiction for the subject applications for Variances and Special Permit.

PROJECT SUMMARY

1. The Variance petitions were filed as a direct result of a recent Land Court Decision (LC Decision). A copy of said LC Decision was included as part of the application materials. (*Refer to 10 MISC 429867 (AHS) – Newport Materials, LLC and 540 Groton Road, LLC, Plaintiffs, vs. Planning Board of the Town of Westford and the Town of Westford, Defendants*) As directed by the LC Decision, the Applicant sought Variance relief to allow for another principal use on a single lot.

2. On January 5, 2015, applications were submitted to the Zoning Board of Appeals. Included in the application materials were a narrative, a copy of the Land Court Decision (*10 MISC 429867 (AHS) – Newport Materials, LLC and 540 Groton Road, LLC, Plaintiffs, vs. Planning Board of the Town of Westford and the Town of Westford, Defendants*), an unlabeled aerial map of the site, and a plan entitled “Zoning Board of Appeals Plan, Asphalt Manufacturing Facility, 540 Groton Road, Westford, MA” dated December 31, 2014 prepared by LandTech Consultants, Inc.
3. The Applicant seeks two Variances and one Special Permit. The Variances are part of various permissions needed to construct an Asphalt Manufacturing Facility (Facility). The proposed Facility is to be located in Westford on approximately 4 acres of a 115-acre site (approximately 92 acres located in Westford, 23 acres in Chelmsford). The subject property consists of three tax parcels, all owned by the petitioners. An estimated twenty-two (22) acres of the subject property are currently developed with a solar array. The Applicant sought multiple forms of relief for the proposal and filed the following four (4) petitions with the Zoning Board:

BOA 1501 A: *(Refer to separate decision)*

Variance under Section 3.1.1 of the Zoning Bylaw to allow an additional principal use on the lot.

BOA 1501 B: *(Current petition)*

Variance under Section 10.2 of the Zoning Bylaw regarding the term “quiet” within the definition of Light Manufacturing.

BOA 1501 C: *(Petition withdrawn without prejudice)*

Special Permit under Section 9.3 pursuant to Section 3.1 of the Zoning Bylaw to allow for multiple principal uses on the lot.

BOA 1501 D: *(Refer to separate decision)*

Special Permit pursuant to Section 3.6.2 of the Zoning Bylaw for the extension of a pre-existing nonconforming use on a single lot.

4. The subject property is accessed from Groton Road by a private way (Commerce Way) which is proposed to be developed as a 22-foot wide paved road. The Applicant’s plans show the approximate location of a 20-foot wide emergency access way through an adjacent property (Fletcher Quarry) to Groton Road. No easement documents for the emergency access road were provided during the public hearing.
5. The proposed Asphalt Plant consists of the following components based on site visit and according to the March 26, 2015 plan set, Sheet SP Site Plan:
 - a. 12’ x 36’ Operator Control Center on skids;
 - b. Six 10’ x 14’ Cold Feed Bins with a loading ramp from the materials yard;
 - c. Conveyor belts between the bins, vibrating screener and the processing unit (Gencor 400);
 - d. 5’ x 14’ Vibrating screen between the bins and the Gencor 400;
 - e. Recycled Asphalt Product (RAP) stockpile and ramp in materials processing yard;
 - f. Seven (7) stockpile areas for bituminous concrete raw materials (sand, RAP, crushed stone with concrete bin walls);
 - g. Crushing Plant and Radial spreader with RAP stockpile (within fenced area);
 - h. Office trailer and storage trailer;

- i. Gencor 400, a machine that receives the ingredients from conveyor belts, which is controlled remotely and mixes the products together;
 - j. An 86' conveyor belt that takes the mixed product from the Gencor 400 to the top of the storage silos;
 - k. Four (4) 200-ton silos (68' in height) that allow the hot asphalt to load into trucks that pull underneath where materials load into the trucks from the top;
 - l. Tank Farm with two 30,000 gallon indirect fired Asphalt Cement (AC) vertical tanks with unloading pumps (36 feet in height);
 - m. HYCGO Gencor 100 hot oil heater with expansion tank stand;
 - n. Lawn area, landscaping;
 - o. Total of 8 parking spaces: 5 parking spaces and 1 handicapped space adjacent to Operator Control Center with ramps and sidewalk with curbing and 2 spaces near office trailer;
 - p. Security fence with four entrance/exit gates;
 - q. Two truck scales near the silos;
 - r. One water well with a water line to the fire cisterns;
 - s. Proposed utilities – natural gas line to provide fuel for the burners in the Gencor 400;
 - t. Site lighting with 20' fixtures around the asphalt manufacturing facility;
 - u. Dumpster;
 - v. Two 30,000 gallon fire cisterns;
 - w. Ground mounted signs including visitor, truck and directional signs;
 - x. Stormwater management facilities such as water quality swales; and
 - y. A 10,000 gallon aboveground storage tank for Number 2 fuel oil.
6. Upon receipt of application, an advertisement was published in the Lowell Sun (a newspaper of local circulation) on Wednesday, February 11 and February 18, 2015.
7. Made part of this record are all Notices of Public Hearing. On February 5, 2015, notices were mailed via certified mail to the petitioner, abutters, owners of land within 300 feet of the property and to Planning Boards of every abutting municipality. The list of Westford abutters was certified by the Town of Westford Assessor on December 17, 2014. (*The list of Chelmsford abutters was certified by the Town of Chelmsford Assessor on December 16, 2014.*) The notice was posted at Town Hall on February 4, 2014.
8. On February 25, 2015, a public hearing was held at the Blanchard Middle School Auditorium located at 14 West Street, Westford, MA to consider the petition. The Board continued the public hearing to March 18, 2015 at Westford Town Hall, 55 Main Street, Westford, MA to give the Applicant an opportunity to provide additional information relating to traffic, noise and odor.
9. At the March 18, 2015 hearing, the Applicant indicated that they would no longer pursue the approach of asserting the number of principal uses as a base nonconforming use to extend via Special Permit. The Board received additional testimony from the Applicant and the public. The Board closed the public hearing. The Board deliberated and voted on the three petitions as follows:

BOA 1501 A:

Variance under Section 3.1.1 of the Zoning Bylaw to allow an additional principal use on the lot.
 The Board voted **3-2-0** to APPROVE, thereby **DENYING** the petition for lack of attaining a supermajority vote.

BOA 1501 B:

Variance under Section 10.2 of the Zoning Bylaw regarding the term "quiet" within the definition of Light Manufacturing. The Board voted **5-0-0** to APPROVE the petition.

BOA 1501 D:

Special Permit pursuant to Section 3.6.2 of the Zoning Bylaw for the extension of a pre-existing nonconforming use on a single lot. The Board voted **3-2-0** to APPROVE, thereby DENYING the petition for lack of attaining a supermajority vote.

10. Staff advised the Board, and the Board agreed, to schedule a Special Meeting, (held on March 31, 2015) to review draft decisions.
11. On March 31, 2015, the Board held a public meeting to review draft decisions and consider a March 24, 2015 request from the Applicant to reconsider their votes and to reopen the public hearing. At the meeting, the Applicant clarified that they would provide an extension of time for the Board to act on the two Variance petitions because absent such extension, there is a statutory timeframe of 100 days from the date an application is received for the Board to act. One day prior to that meeting the Applicant submitted two additional letters, one with approximately 160 pages of material. The Board voted 3-2 to reopen the public hearing on all three petitions.
12. Applicant's representative submitted written permission for the Board to act on the Variances by May 15, 2015.
13. Upon receipt of postage and approval for additional legal advertisement in the newspaper, an advertisement of the re-opened public hearing was published in the Lowell Sun (a newspaper of local circulation) on Wednesday, April 22 and April 29, 2015.
14. Made part of this record are all Notices of the re-opened Public Hearing. On April 21, 2015, notices were mailed via certified mail to the petitioner, abutters, owners of land within 300 feet of the property and to Planning Boards of every abutting municipality. The list of Westford abutters was certified by the Town of Westford Assessor on December 17, 2014. (*The list of Chelmsford abutters was certified by the Town of Chelmsford Assessor on December 16, 2014.*) The re-opened hearing notice was posted at Town Hall on April 30, 2015.
15. The Planning Board closed the public hearing in its deliberations on April 14, 2015, and voted on the applications before it. The votes were as follows: Special Permit for Major Commercial Project – 1-4-0 to Approve, thereby DENYING the application; Special Permit for Water Resource Protection Overlay District: 5-0-0 to APPROVE; Site Plan Review: 4-1-0 to APPROVE; and Stormwater Management Permit: 5-0-0 to APPROVE. On April 24, 2015, the Planning Board decisions were recorded with the Town Clerk and submitted to the Land Court in accordance with the Land Court decision (Newport Materials, et al v. Planning Board of Westford, et al. 10 MISC 429867).
16. The written record contains additional materials including, but not limited, to the following information. The entire written record is made part of this record of decision.
 - a. Application materials;
 - b. Land Court's decision for the case Newport Materials, et al v. Planning Board of Westford, et al. 10 MISC 429867;
 - c. Land Court Order dated January 6, 2015;

- d. Plan entitled "Zoning Board of Appeals Plan, Asphalt Manufacturing Facility, 540 Groton Road (Route 40), Westford, Massachusetts" prepared by LandTech Consultants Inc. dated December 31, 2014;
- e. Aerial photograph of the site;
- f. Plan entitled "Site Plan, Asphalt Manufacturing Facility, 540 Groton Road (Route 40), Westford, Massachusetts" prepared by LandTech Consultants Inc. dated April 6, 2009, last revised December 24, 2014;
- g. Staff Reports dated February 20, 2015, March 12, 2015, and May 1, 2015;
- h. Letter from Route 40 Clean Air Coalition, dated February 25, 2015;
- i. Correspondence from public in opposition, received March 3 through May 6, 2015;
- j. Letter from Attorney Douglas Deschenes, dated March 12, 2015, providing additional information as follows:
 - Information regarding Ecosorb, a product designed to mitigate odors associated with the asphalt industry;
 - Transportation Impact Assessment prepared for Newport Materials by Vanasse & Associates, Inc. dated February 2015;
 - Transportation Review Services memorandum prepared on behalf of the Town of Westford by Robert Michaud, P.E. of MDM Transportation Consultants, Inc. dated March 11, 2015;
 - Acoustical Evaluation and Recommendations for Sound Barrier Wall Alternatives to Comply with Land Court Decision Acoustical Requirements prepared for Newport Materials by Cavanaugh Tocci Associates, Inc. dated January 2, 2015, as revised January 19, 2015;
 - Acoustical Consulting Services – Peer Review of Newport Materials Application – Updated Acoustical Study for Asphalt Plant prepared for the Town of Westford by James Barnes, P.E. of Acentech, Inc. dated February 12, 2015;
 - Revised Acoustical Evaluation prepared for Newport Materials by Cavanaugh Tocci Associates, Inc. dated March 10, 2015.
- k. Letter from Attorney Douglas Deschenes, dated March 24, 2015, requesting reopening of the public hearing;
- l. Letter from Attorney Thomas Reilly and 160 pages of exhibits (all previously submitted into the record) received March 30, 2015;
- m. Letter from Attorney Thomas Reilly regarding use of Executive Sessions, received March 30, 2015;
- n. Map showing the distance from proposed Facility to Miller School;
- o. Letter from Westford Superintendent of Schools, Everett Olsen, dated April 8, 2015 in opposition to the project;
- p. Copies of the four Planning Board decisions dated April 14, 2015;
- q. Presentation materials by Attorney Douglass Deschenes, received May 6, 2015; and
- r. Plan entitled "Site Plan, Asphalt Manufacturing Facility, 540 Groton Road (Route 40), Westford, Massachusetts" prepared by LandTech Consultants, Inc. dated April 6, 2009, with latest revision date of March 26, 2015 and containing the following sheets:
 - 1) Title Sheet
 - 2) Existing Conditions Plan
 - 3) Existing Conditions Plan
 - 4) Overall Site Plan
 - 5) Site Plan
 - 6) Construction Plan
 - 7) Construction Plan
 - 8) Construction Plan
 - 9) Site Utilities and Lighting Plan

- 10) Erosion Control Plan
- 11) Erosion Control Plan
- 12) Details and Sections
- 13) Details and Sections
- 14) Details and Sections
- 15) Storm Water Pollution Prevention Plan (SWPP)
- 16) Pre-Development Drainage Map
- 17) Post Development Drainage Map
- 18) Proposed Plant Layout (by others)
- 19) General Component Elevations (by others)
- 20) Tank Farm – Plan and Side Elevations (by others)
- 21) Emergency Access Easement Plan
- 22) Entrance Modification Plan Last revised April 9, 2015

BOARD ACTIONS ON THE SUBJECT PETITION

On March 18, 2015, on a motion made by Scott MacKay, seconded by Scott Fitzgerald, the Board voted 5-0-0 to APPROVE the petition BOA 1501 B VAR.

On March 31, 2015, on a motion made by Scott MacKay, seconded by Scott Fitzgerald, the Board voted 3-2-0 (Enis, MacMillan in opposition) to re-open the public hearing, as requested by the Applicant, conditioned upon the Applicant granting a written extension of time for the Board to take final action.

On May 6, 2015, on a motion made by Robert Herrmann, seconded by Scott Fitzgerald, the Board voted 4-1-0 (MacMillan in opposition) to APPROVE petition, BOA 1501 B VAR..

FINDINGS

This petition is predicated on the assumption that the Planning Board (or higher authority on appeal) waives construction of noise attenuation requirements with respect to the westerly property line as part of an approval of a Special Permit for a Major Commercial Project. To date, the Planning Board denied the Major Commercial Project Special Permit and the Applicant's request to waive construction of a noise attenuation barrier.

The Applicant convinced a supermajority of the Board that the project meets all three criteria established in the Zoning Bylaw for a Variance. In reaching their decision to APPROVE, members based their decision, in whole or in part, on the following:

1. Criteria 1: "...owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located,"
 - a. Relative to noise attenuation requirements for the proposed Facility, the Board found the westerly property line of the subject property to be topographically unique because the abutting property (to the west) is characterized by an active quarrying operation. The Applicant testified that quarrying activities at the abutting property (Fletcher Quarry), including but not limited to, use of heavy machinery, blasting, heavy truck trips, etc., resulted in greater noise disturbance than the projected noise associated with the proposed Asphalt Facility, and perhaps greater than the aforementioned 70 dBA noise threshold. Furthermore, the Applicant provided

- written documentation that the abutting property owner did not object to the proposal. The Applicant also testified that the affected abutting property contains a significant topographical feature, a long sharp cliff-like incline that serves to provide a natural berm, effectively buffering the affected property from some of the projected noise associated with the proposed Asphalt Facility.
- b. Therefore, the Board found that this criterion is satisfied with respect to the westerly property line.
2. *Criteria 2:* “*a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant,*”
- a. Evidence was presented by the Applicant to the Board that construction of a twelve hundred (1,200) foot long thirty-five (35) foot tall noise attenuation barrier would be required in order to satisfy noise attenuation standards with respect to the westerly property line. The Applicant stated that construction of the full noise attenuation barrier would likely cost between \$500,000 and \$1,000,000, and would serve only for the benefit of an abutting property that itself generates a significant amount of noise.
 - b. Therefore, the Board found that enforcing this provision of the Bylaw with respect to the westerly property line would involve a substantial financial hardship to the petitioner.
3. *Criteria 3:* “*and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.*”
- a. The Board received testimony from the Applicant that construction of the full noise attenuation barrier along the westerly property line would only serve to benefit another facility (Fletcher Quarry) that itself generates more noise than the proposed Asphalt Facility. This finding is only with respect to the westerly property line, and only addresses noise generated by the proposed Asphalt Facility proper, and not any of the incidental noise associated with heavy trucks entering and exiting the Facility.
 - b. Four members of the Board concluded that such relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw. The Board notes that the projected sound increase at the easterly property line is 9 dBA—very close to the 10 dBA limitation. No variance is hereby granted from the definition of Light Manufacturing at the eastern property line.

Voted to **4-1-0** to APPROVE the petition:

Robert Herrmann, Chair	Grant
Scott MacKay, Vice Chair	Grant
Jay Enis	Grant
Paul MacMillan	Deny
Scott Fitzgerald	Grant

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and a copy of the appeal shall be filed with the Town Clerk's office within twenty (20) days after the date of filing this decision in the office of the Town Clerk. Per Massachusetts General Laws, Chapter 40A, Section 11, this decision to deny the petition is effective immediately upon filing with the Town Clerk.

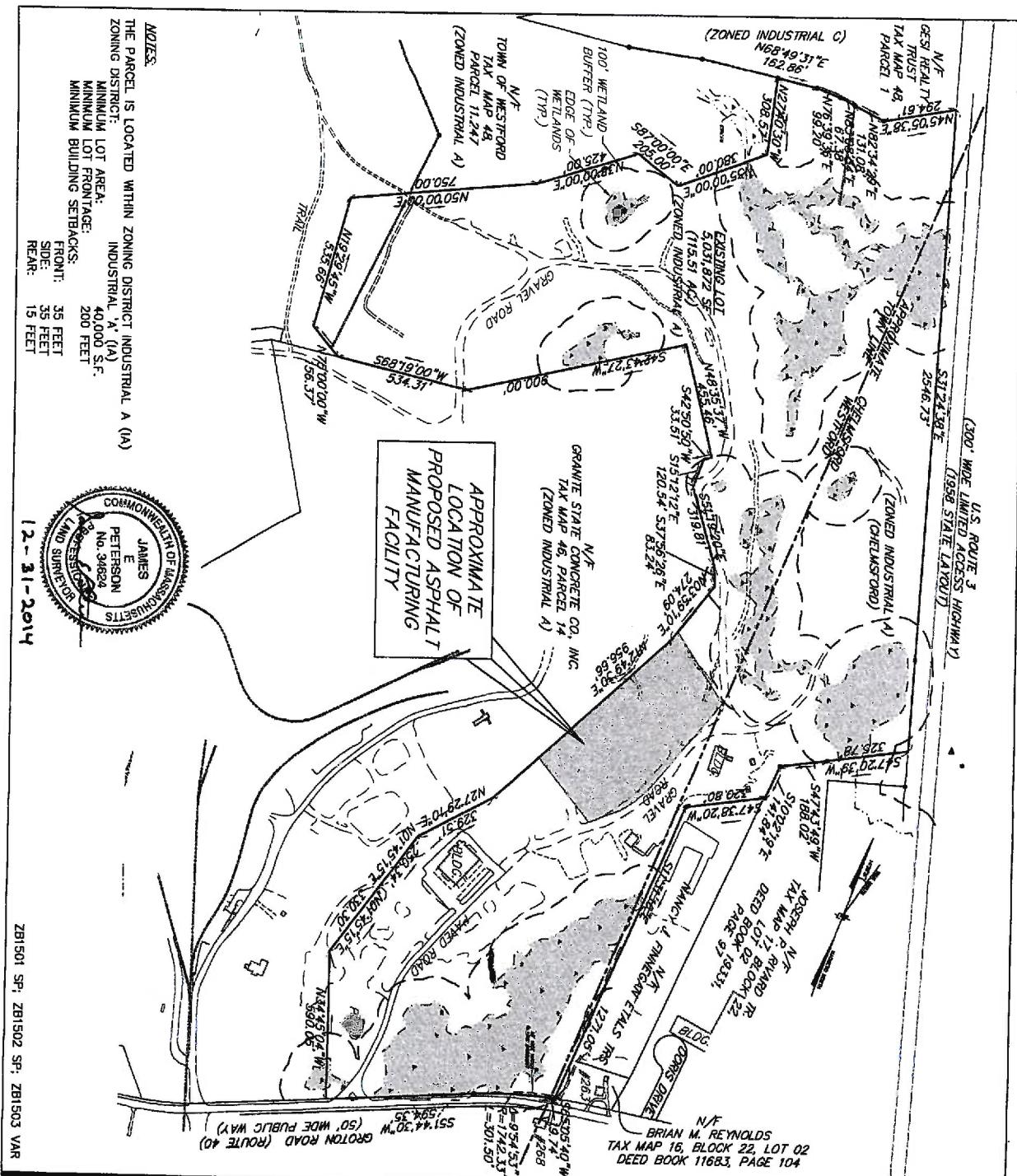
Zoning Board of Appeals of the Town of Westford



Robert Herrmann, Chair

Date

cc: Town Clerk
 Building Commissioner
 Applicant
 Abutters within 300 feet
 Planning Boards of Acton, Carlisle, Chelmsford, Groton, Littleton, Tyngsborough



DEED REFERENCES - RECORD OWNER
M.N.D.R.D. DEED BOOK 21235, PAGE 250 - 540 GROTON ROAD, LLC
M.N.D.R.D. DEED BOOK 25597, PAGE 30 - 164 BURKE STREET, SUITE #1
M.N.D.R.D. DEED BOOK 25597, PAGE 38 - NASHUA, NH 03060

ASSESSOR'S REFERENCES

TAX MAP 48, PARCEL 11.234

TAX MAP 4B, PARCEL 11.250

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RECORD OWNER

540 GROTON ROAD, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

PLAN REFERENCE

MNDRD PLAN BOOK 233,
PLAN 133.

LandTech

Consultants

Engineering/Design/Surveying/Permitting

515 Groton Road = Westford MA 01886

Jab. No.
09-102

Dwg. No.
9955

Sheet
1 of 1

ZONING BOARD OF APPEALS PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

Scale: 1" = 400'

Copyright © 2014

DECEMBER 31 2014

Prepared for:

540 GROTON ROAD, II

518 CROTON ROAD, LL
164 BURKE STREET

151 BURRE STREET,
NASHUA, NH 03060

• 100 •

Calc. Draft

SITE PLAN

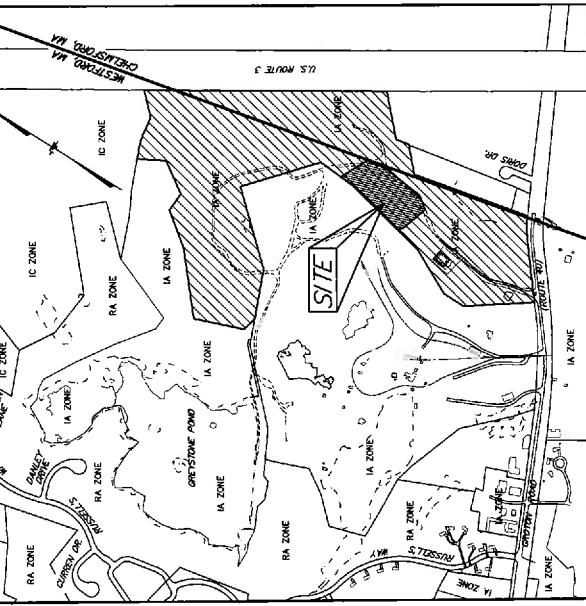
ASPHALT MANUFACTURING FACILITY

540 GROTON ROAD (ROUTE 40)

WESTFORD, MASSACHUSETTS

NOTES:

1. TOPOGRAPHIC AND PLANIMETRIC INFORMATION OBTAINED FROM AN AERIAL SURVEY CONDUCTED BY EASTERN TOPOGRAPHICS, WILMINGTON, NH, SCALE: 1" = 400 FEET. PLANAR: 2' PHOTO DATE: 20 APR 2006 (1:4200) COMPLIATION DATE: 12 NOV 2007.
2. GROUND CONTROL FROM AERIAL PHOTOGRAPHY AS REFERENCED ABOVE – USING DIGITAL TERRAIN MODELING (DTM) METHODS, WITH A LAS SIGHTLINE, DIGITAL FILE ALONG THE LINE OF AERIAL IMAGE FOR USE AND ASSUME ALL RESPONSIBILITY IN CONNECTION THEREWITH, NOTE: BUILDING CORNERS AS SHOWN REPRESENT ROOF LINES AS COLLECTED FROM AERIAL PHOTOGRAPHY.
3. BOUNDARY INFORMATION SHOWN HEREON IS THE RESULT OF AN ON THE GROUND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN NOVEMBER 2007 AND FROM EXISTING DEEDS AND PLANS.
4. UTILITY INFORMATION SHOWN HEREON WAS TAKEN FROM INFORMATION SUPPLIED BY THE VARIOUS UTILITY COMPANIES, LOCATION AND SERVICES. IT IS THE DUTY OF ANY LICENSEE TO ENSURE THAT THE UTILITY IS SAFE AND LOCATED A MINIMUM OF 72 HOURS IN ADVANCE PRIOR TO ANY EXCAVATION.
5. FLAGGED WETLAND LOCATIONS SHOWN ON THIS MAP WERE PROVIDED BY A FIELD STUDY CONDUCTED BY BURKE ENVIRONMENTAL SERVICES, INC. IN DECEMBER 2000 AND LOCATED BY LANDTECH CONSULTANTS, INC. IN DECEMBER 2007 THROUGH JANUARY 2008. THE WETLANDS SHOWN ON THIS PLAN WERE APPROVED IN 2008 BY THE WESTFORD CONSERVATION COMMISSION AS MASS DEP FILE No. 334-1402 AND THE CHELMSFORD CONSERVATION COMMISSION AS MASS DEP FILE No. 128-684.
6. THE SUBJECT PARCEL IS NOT LOCATED IN THE 100 YEAR FLOOD HAZARD AREA AS DEFINED ON THE FEMA FLOOD INSURANCE RATE MAP, JUNE 15, 1983.
7. THE MAIN PORTION OF THE PARCEL IS LOCATED IN WESTFORD LOCATED IN ZONING DISTRICT 'IA' (INDUSTRIAL 'A'). INDUSTRIAL 'A' (IA) ZONING DISTRICT. MINIMUM LOT AREA: 40,000 S.F. MINIMUM LOT FRONTAGE: 200 FEET. MINIMUM BUILDING SETBACKS: FRONT: 35 FEET SIDE: 15 FEET REAR: 30 FEET.
8. A PORTION OF THE PARCEL IS LOCATED IN CHELMSFORD AND IS IN ZONING DISTRICT 'IA' (INDUSTRIAL 'A'), LIMITED INDUSTRIAL, LIMITED INDUSTRIAL ('IA') ZONING DISTRICT. MINIMUM LOT AREA: 40,000 S.F. MINIMUM LOT FRONTAGE: 150 FEET. MINIMUM BUILDING SETBACKS: FRONT: 40 FEET SIDE: 40 FEET REAR: 50 FEET.



PLAN INDEX

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| 5) SITE PLAN | (SP) |
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| 12-14) DETAILS & SECTIONS | (DS1, DS2 & DS3) |
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| 17) POST-DEVELOPMENT DRAINAGE MAP | (POST) (SEPARATE COVER) |
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CO-APPLICANT

APPLICANT
NEWPORT MATERIALS, LLC
540 GROTON ROAD, SUITE #1
164 BURKE STREET, NASHUA, NH 03060

RECORD OWNER

CO-APPLICANT
540 GROTON ROAD LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060
TOWN OF WESTFORD
PLANNING BOARD APPROVAL

SITE LOCATION:



LandTech

Engineering Services Group, Inc.

Project Manager: _____

Prepared by: _____

Reviewed by: _____

Approved by: _____

DATE: _____

ISSUE DATE: APRIL 6, 2009
REVISED: JULY 31, 2009
OCTOBER 30, 2009
DECEMBER 31, 2014
FEBRUARY 13, 2015
MARCH 26, 2015

0 600 1200 1800

SCALE IN FEET

DRAWING No. 8915

Job No. 09-102

PB 1504: SFR/SPW/MCP/SPW/RPO/SM

JOB NO. 09-102

DATE: _____

2009

09-102

EXISTING CONDITIONS PLAN

Prepared for:
NEWPORT MATERIALS LLC
ADDRESS: 340 SPROTON ROAD
PROPERTY NUMBER: 98-000-00000-00000-00000
TOWN: WESTFORD
MASSACHUSETTS
DATE: APRIL 6, 2009
Scale: 1" = 100'

ASPHALT MANUFACTURING FACILITY
340 SPROTON ROAD, MA
WESTFORD, MA
DATE: APRIL 6, 2009
Scale: 1" = 100'
Prepared for:
NEWPORT MATERIALS LLC
ADDRESS: 340 SPROTON ROAD
PROPERTY NUMBER: 98-000-00000-00000-00000
TOWN: WESTFORD
MASSACHUSETTS
DATE: APRIL 6, 2009
Scale: 1" = 100'

NOTES:
1. SEE SHEET 00 FOR OVERALL SITE PLAN FOR NOTES AND LEGEND.

SHEET EX2

SHEET EX1

TOWN OF WESTFORD PLANNING BOARD APPROVAL

SCALE IN FEET
0 100 200 300

EXISTING CONDITIONS PLAN

ASPHALT MANUFACTURING FACILITY

540 GROTON ROAD

WESTFORD, MA

MASSACHUSETTS 01861

161 GROTON STREET SUITE #1

MASHUA, NH 03080

Prepared for: **SUPERIOR MATERIALS LLC**

Prepared by: **Land Tech**

DATE: **APRIL 6, 2009**

SCALES: **1" = 100'**

NOTES:

1. SEE SHEET C-9 (OVERALL SITE PLAN) FOR NOTES AND LEGEND.
2. SEE SHEET E-9 FOR INDEX OF SHEETS.

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

SCALE IN FEET

DATE

0 100 200 300

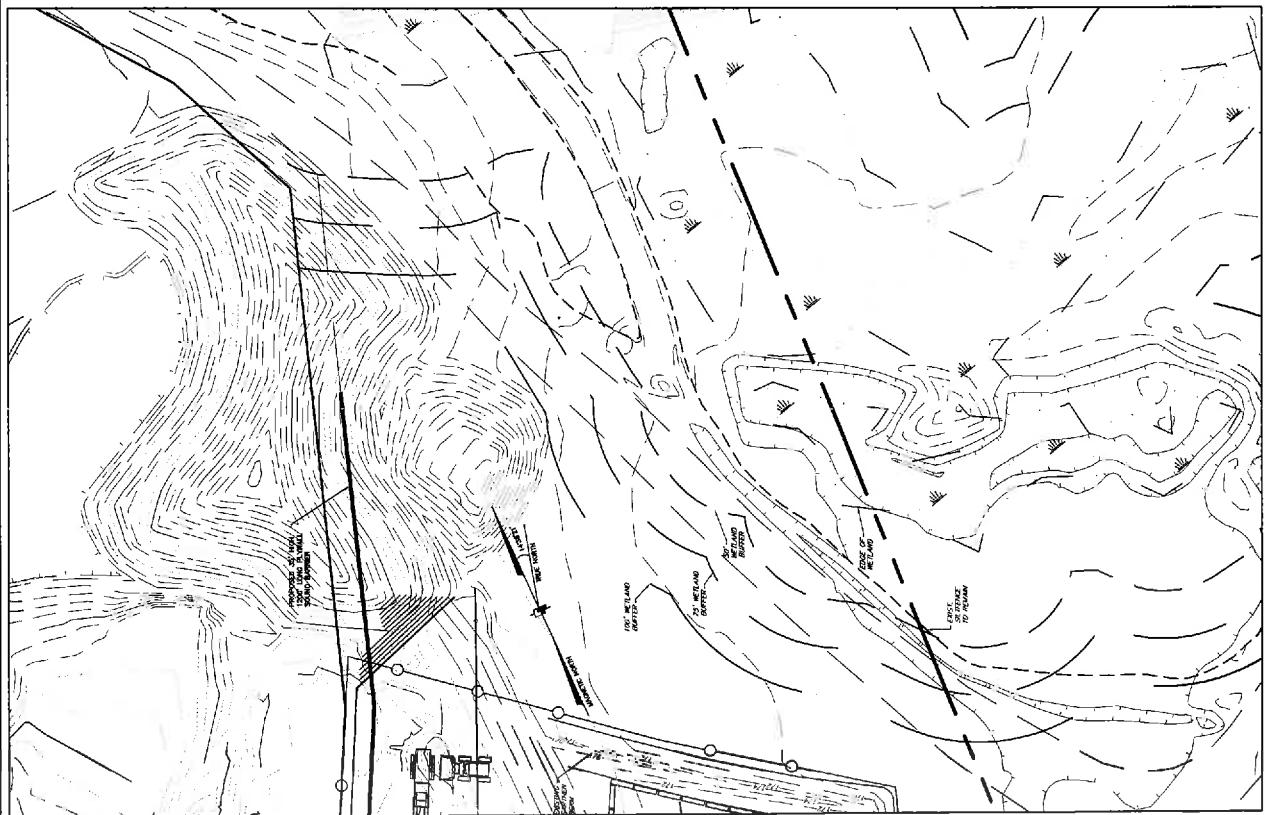
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GENERAL NOTES

LANDSCAPE NOTES

- ALL PLANT STOCK, SMALL CONIFERS TO NO. 250-251 - NURSERY STOCK, LATEST EDITION
(AMERICAN FOREST MFG. CO., INC.)
NO TREES OR SHRUBS SHALL BE PLANTED AT THE STREET INTERSECTION WHERE THEY COULD
CAUSE A TRAFFIC HAZARD OR OBSTRUCTING VISION.
ALL THREE SHALL BE GUARANTEED BY THE DEVELOPER FOR THEIR CRESTHOLD AND GOOD
MAINTENANCE FOR A PERIOD OF FIVE YEARS.
PLANTING IS LIMITED TO SOIL CAPABLE OF SUPPORTING A GROWTH OF 6 INCHES DIA. AND 10 FEET HIGH.
NO PLANTING SHALL BE MADE ON SOIL WHICH IS COMPACTED, DRY, ROCKY, OR STONY.
NO PLANTING SHALL BE MADE ON SOIL WHICH IS EXPOSED TO THE ACTION OF WIND.
NO PLANTING SHALL BE MADE ON SOIL WHICH IS EXPOSED TO THE ACTION OF WATER.
NO PLANTING SHALL BE MADE ON SOIL WHICH IS EXPOSED TO THE ACTION OF SUN.
NO PLANTING SHALL BE MADE ON SOIL WHICH IS EXPOSED TO THE ACTION OF AIR.
NO PLANTING SHALL BE MADE ON SOIL WHICH IS EXPOSED TO THE ACTION OF FIRE.

IGHTING NOTES



CONSTRUCTION NOTES

LANDSCAPE NOTES

- ALL PLANT STOCK, SMALL COMPANY TO SIZE 22X24-1 - NURSERY STOCK, LATEST EDITION
(AMERICAN SOCIETY FOR HORTICULTURE, INC.)
NO TREES OR SHRUBS SHALL BE PLANTED AT THE STREET INTERSECTION WHERE THEY COULD
BECOME A TRAFFIC HAZARD BY OBSTRUCTING A VIEW.
1. ALL TREES SHALL BE GUARANTEED BY THE DEVELOPER FOR THEIR BREATHLESS AND GOOD
HEALTH FOR TWO (2) YEARS AFTER PLANTING.
1. EASPIG AS NOTED WHERE ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE GAINED AND
HYDRO-SEEDED, LENGTH OF TIME SHALL DE A MINIMUM OF 6 INCHES. ALL PLACED SNAIL SHELL BE
HYDRO-SEEDED AND FREE OF LOOFS, LUMPS, STONES AND OTHER INAPPROPRIATE MATERIAL.

ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, ZONES B & C ON COMMUNITY NO. 2500225
0005 B, EFFECTIVE DATE JUNE 15, 1988

- 9. FOR STORMWATER COLLECTION SYSTEM SEE DETAILS AND SECTION SHEETS.**

10. SEI STORM WATER POLLUTION PREVENTION PLAN, SHEET SHMPP, FOR APPROVAL, DURING CONSTRUCTION.

11. CONTROL NOTES AND DETAILS.

12. LOCATION AND SIZE OF EXISTING UTILITIES IS APPROXIMATE ONLY. CONTRACTOR MUST VERIFY LOCATION AND SIZE OF EXISTING UTILITIES AND MAKE APPROPRIATE CONNECTIONS WITH RESPECTIVE UTILITY COMPANIES PRIOR TO COMMENCING CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR NOTIFYING APPROPRIATE UTILITIES OF WORKS TO BE PERFORMED. CONTRACTOR IS RESPONSIBLE FOR NOTIFYING APPROPRIATE UTILITIES OF WORKS TO BE PERFORMED. CONTRACTOR IS RESPONSIBLE FOR NOTIFYING APPROPRIATE UTILITIES OF WORKS TO BE PERFORMED.

13. APPROVAL, SIZE, AND DEPTH OF PRIVATE UTILITIES ARE SUBJECT TO THE APPROVAL OF THE APPROPRIATE UTILITY COMPANY.

14. COORDINATE GAS MAIN CONNECTION WITH LOCAL GAS COMPANY.

15. COORDINATE ELECTRIC, CABLE AND TELEPHONE UTILITY CONNECTIONS WITH RESPECTIVE UTILITY COMPANIES.

16. CONTROL TRAILER SHALL NOT HAVE ANY SANITARY WASTE FACILITIES, SANITARY WASTE FACILITIES PROVIDED IN ADJACENT BUILDING (FORMER MODERN CON INNIAL BUILDING).

17. THE PROPOSED NEL REQUIRES A SEPARATE PERMIT FROM THE RESTORED BOARD OF HEALTH.

18. THE CONTROL TRAILER WILL NOT CONTAIN ANY HAZARDOUS MATERIALS.

20. SITE SHALL CONFORM TO ALL APPLICABLE FIRE PREVENTION CODES, STATUTES OR REGULATIONS.
21. SITE SHALL CONFORM TO AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS.

A decorative circular pattern consisting of a series of small, dark, irregular shapes arranged in a circle, resembling a stylized floral or geometric motif.

A circular library stamp with the text "STATE LIBRARY OF NEW SOUTH WALES" around the perimeter and "SYDNEY" in the center.

A decorative floral ornament at the top of the page, consisting of a stylized flower with long, sweeping leaves and a small circular center.

**TOWN OF WESTFORD
PLANNING BOARD APPROVAL**

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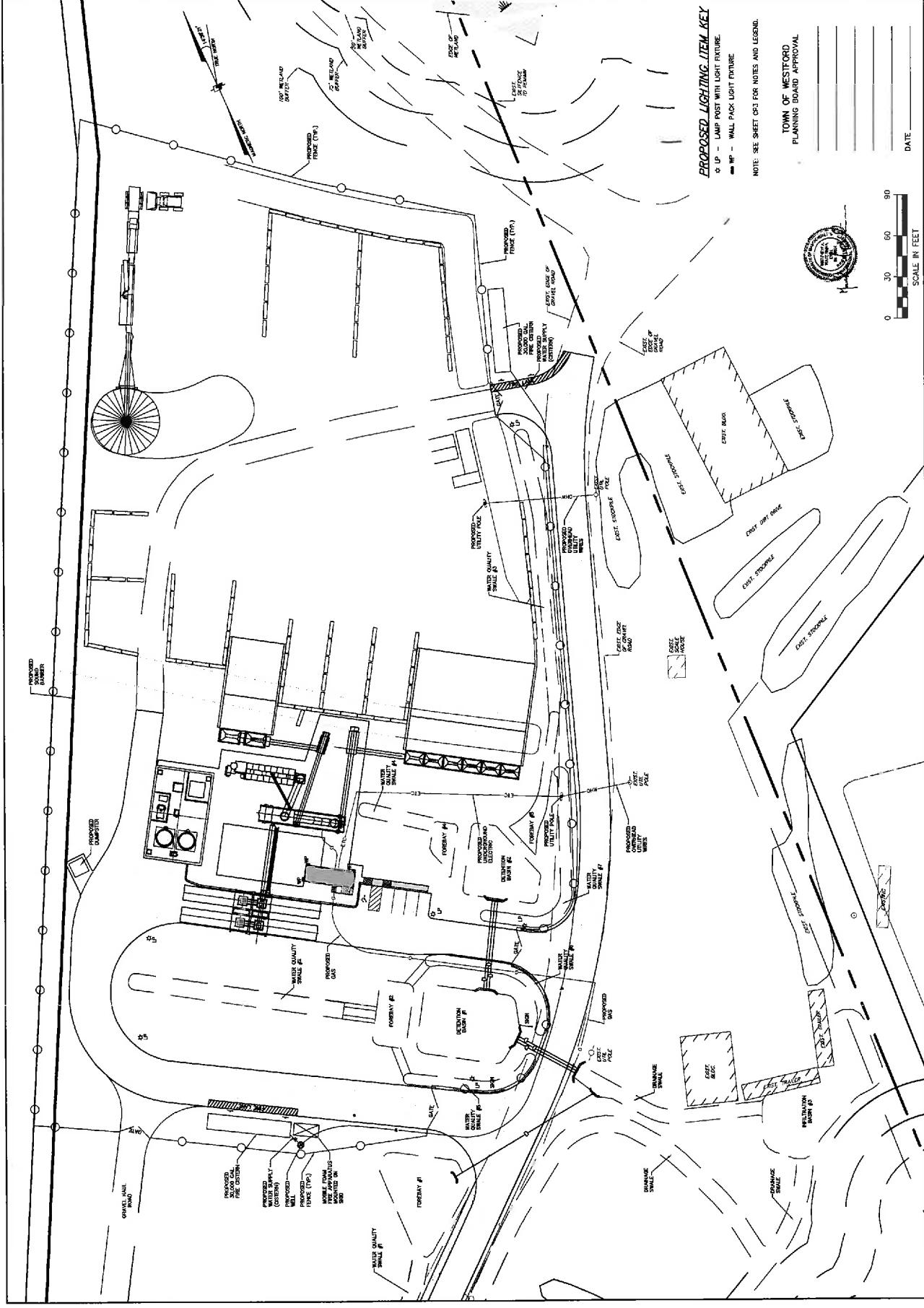
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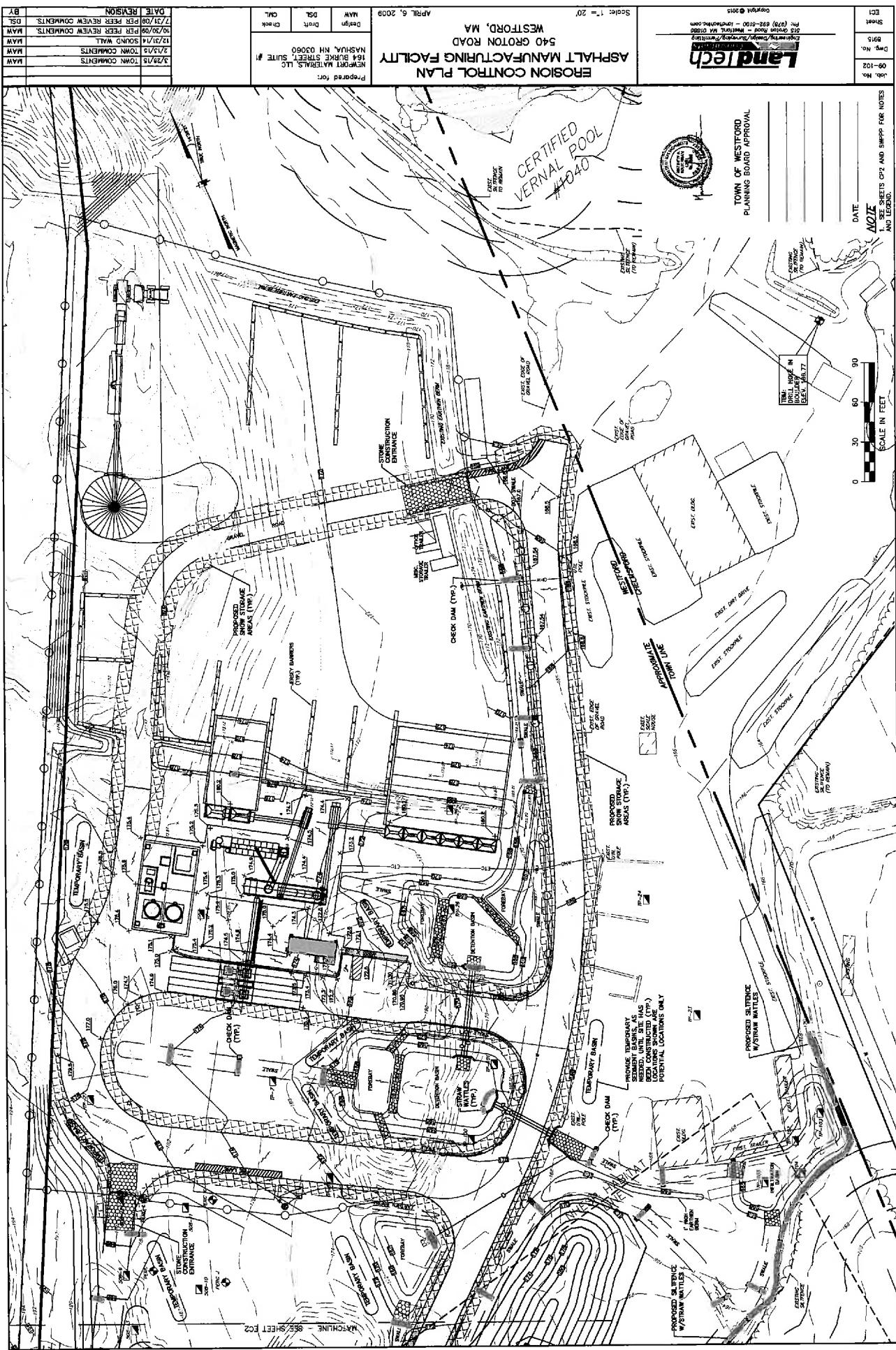
Job No.	09-102	Sheet No.	50
Date	08/05/09	Prepared by	LandTech
Design	April 6, 2009	Map	Westford, MA
Draw	April 6, 2009	Scale	1:3000
Check		Date	REVISION

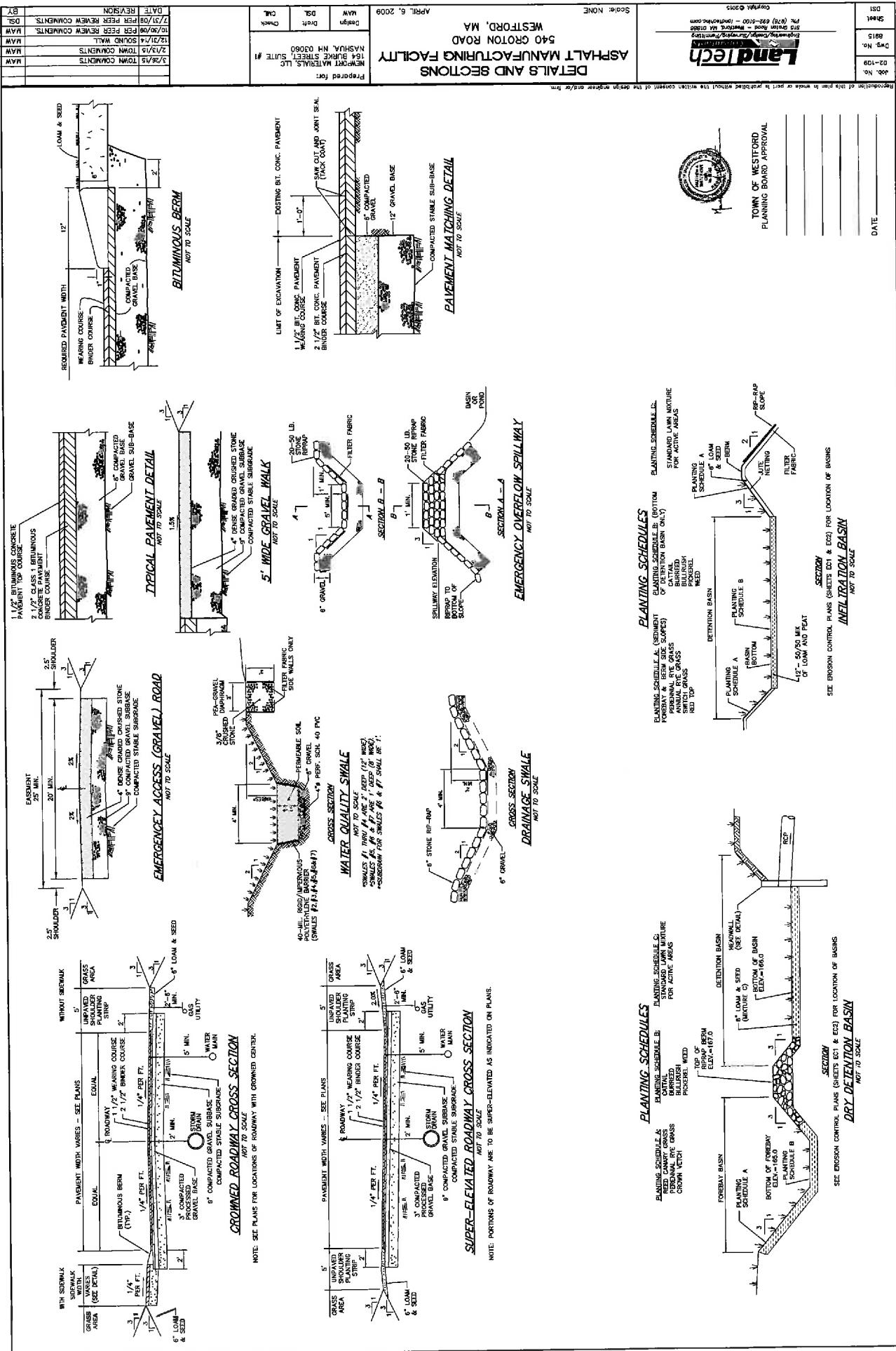
STE ULTRALITES AND LIGHTING PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

10/05/09

MAW



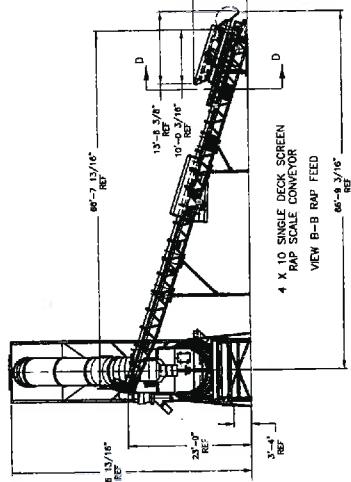
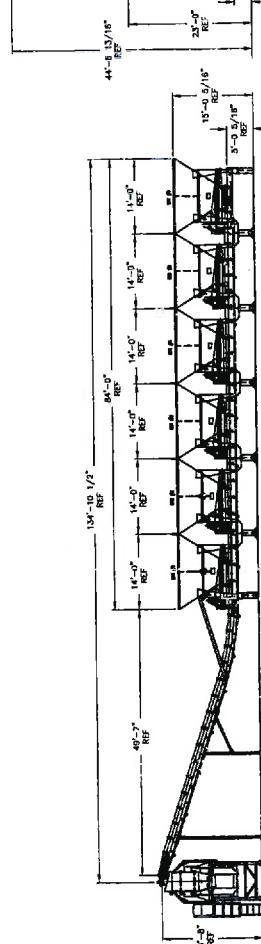
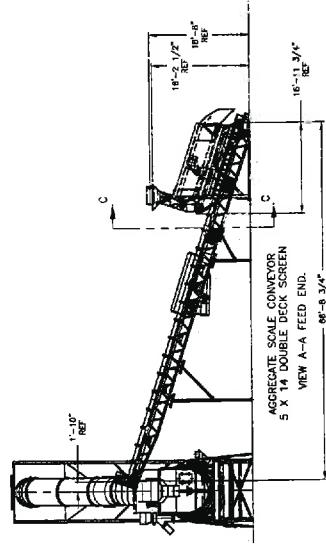
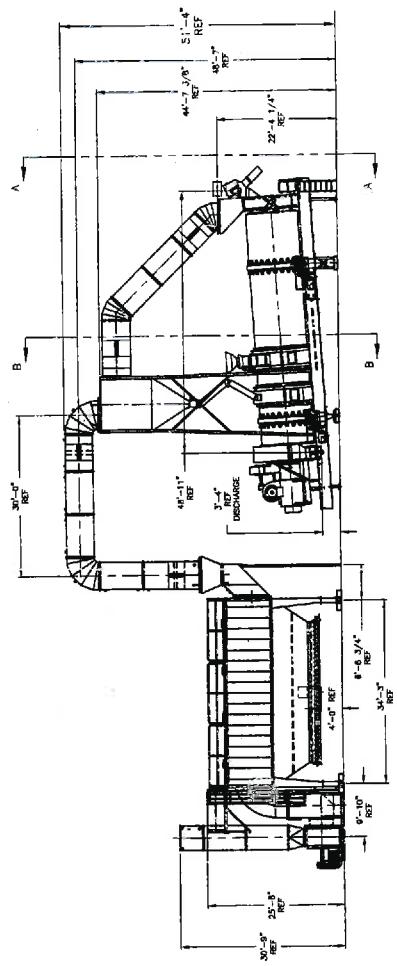




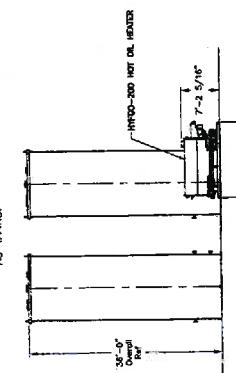
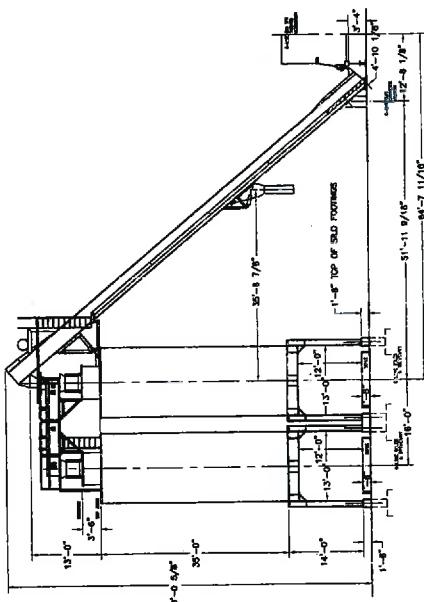
This image contains several technical drawings and site plans for a facility:

- Top Right:** A stamp for "Land Tech" with a circular seal. Below it is a "Town of Westford Planning Board Approval" stamp.
- Header:** "ASPHALT MANUFACTURING FACILITY" and "DETAILS AND SECTIONS".
- Header Labels:** "440 GROTON ROAD WESTFORD, MA", "SCD: NONE", "APRIL 6, 2009", "Dwg# D-04 Date DS/PL", "DATE 7/15/09 PER REC'D REC'D DOCUMENTS", "17/05/09 PER REC'D REC'D DOCUMENTS", "17/05/09 PER REC'D REC'D DOCUMENTS", "17/05/09 PER REC'D REC'D DOCUMENTS".
- Tree Planting Detail:** Shows a tree being planted in a trench with dimensions and planting instructions.
- Fire System Detail:** Shows a fire system with a 30,000-gal. roto-stik tank, piping, and a fire hydrant.
- Concrete Filled Bollard:** Shows a bollard with a concrete base and a painted sign.
- Site Sign:** Shows a sign for "NEWPORT MATERIALS 540 GROTON ROAD" with dimensions.
- WALL PACK:** Shows a cross-section of a wall pack with labels for Building Eave, Exterior Wall, Post Cap, Mesh, Metal Mesh, Finish Grade, and Concrete Base.
- Chain Link Fence Detail:** Shows a chain-link fence with labels for Post Cap, Mesh, Metal Mesh, Finish Grade, and Concrete Base.
- Light Post Connection:** Shows a connection point for a light post with labels for PVC SCH 40 CONDUIT, PVC TO REED CONDUIT ADAPTER, ROAD CONDUIT, FG CONCRETE, BASE OF HOLE WITH CRUSHED STONE, and REED CONDUIT.
- Parallam Post Section:** A photograph of a long row of concrete parallam posts.
- Parallam Post (Nominal 10.875 x 19) Section:** A detailed cross-section diagram of a parallam post.
- Cleat 3.5 x 5.25 Parallam:** A diagram showing a cleat being attached to a parallam post.
- Typical Wood Sound Barrier:** A diagram of a sound barrier panel with dimensions and notes.

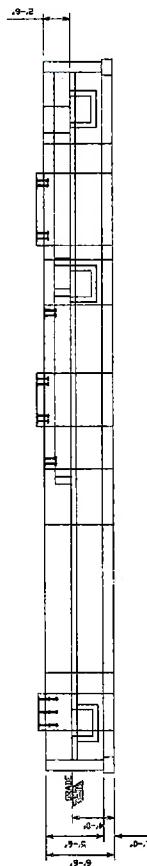
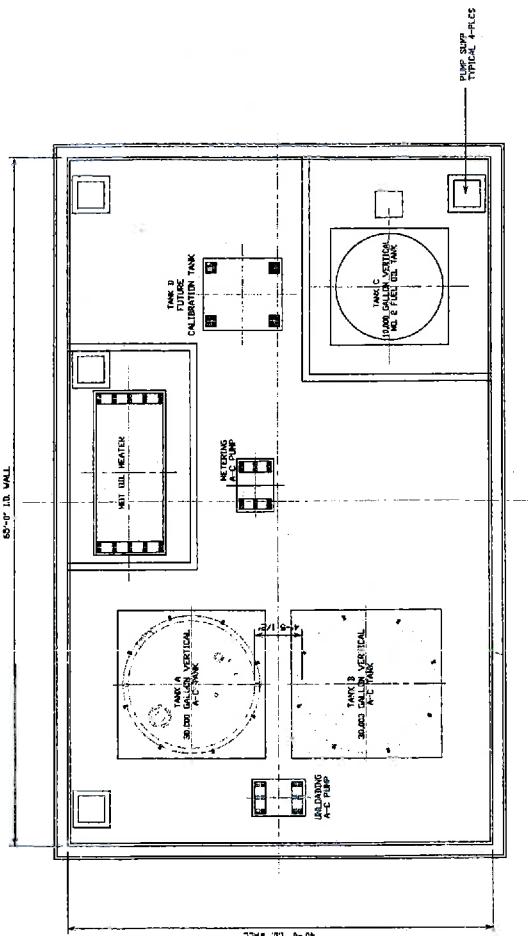
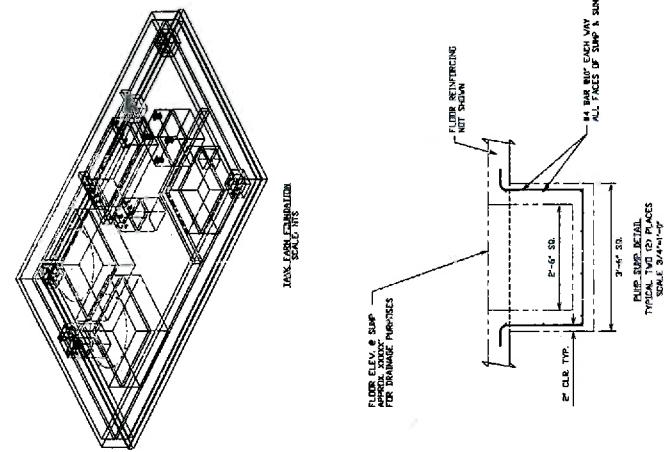
ALL ELEVATIONS ARE SHOWN IN LINE, OR AT PERPENDICULAR ANGLES FOR CLARITY OF THE VIEW.
PLEASE SUPPLY PLANT LAYOUT PLAN VIEW FOR EQUIPMENT POSITIONING.
THIS DRAWING IS SUPPLIED FOR INFORMATION, AND IS NOT MEANT FOR CONSTRUCTION.



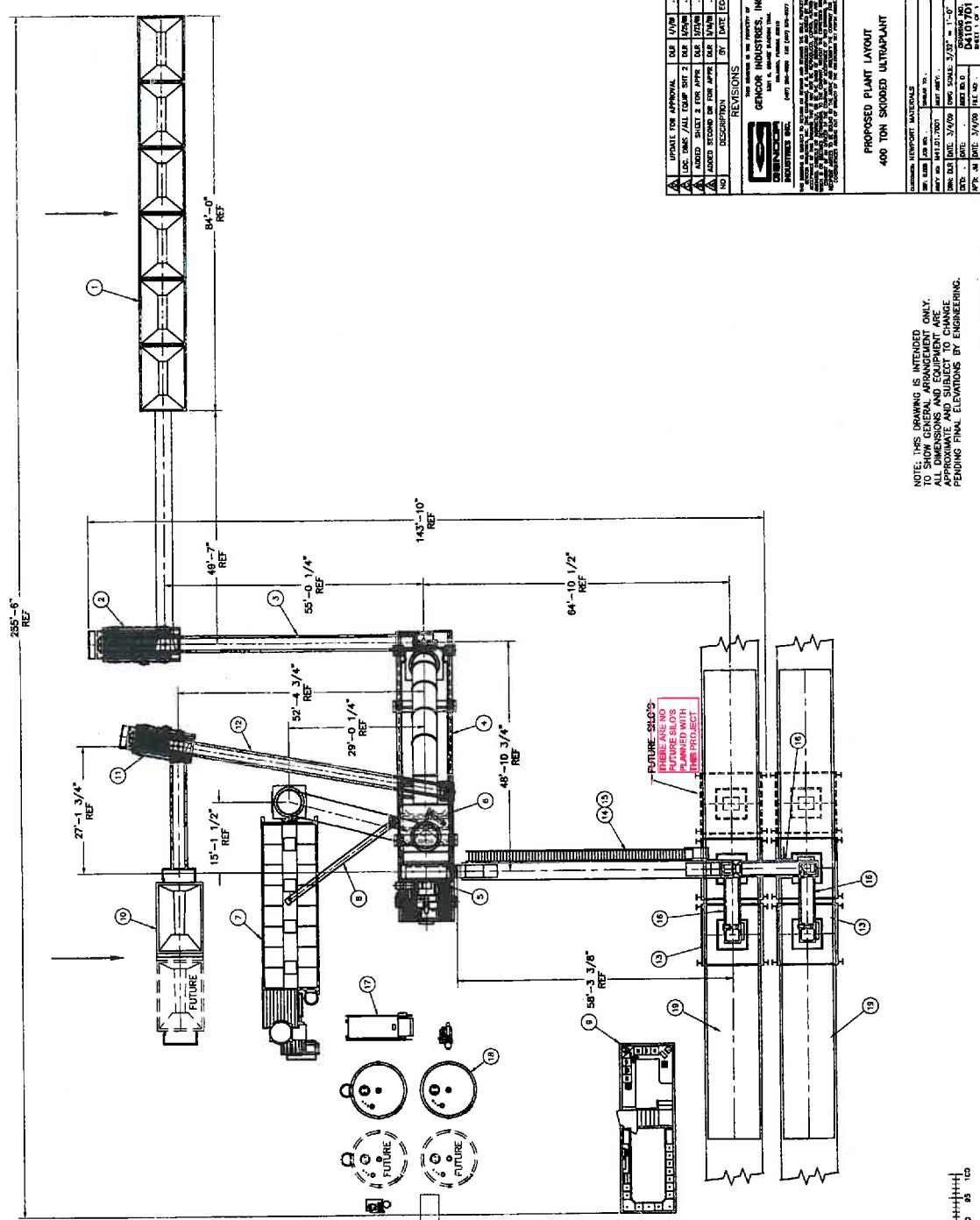
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(4) 200 TGN DELUXE SHOPS



- (1) Six - 10' x 14' Skidded Cold Feed System with Two Bin Vibrators,
1 Bin Feeders, 36" x 10'2" Trough Feeder with Eddy
Current Drives, and 36' Collector Conveyor with Drive.
Double Deck with Trays
- (2) 5' x 14' Double Aggregate Vibrating Screen
- (3) 30" x 70' Skidded Aggregate Scale Conveyor with Drive.
- (4) Ultratech GK Vibrating Screen.
- (5) Primary Collector Mounted Over Drum
- (6) Model CPS-151, 74,092 CFM Skidded Baghouse with 872-72" Bags
Mode of Microduster Material, 5400 SCFM Air, to Cloth
Filter, 4.52:1 Air to Cloth Ratio, with One Motor.
- (7) Dust Removal System: One 14" Diameter Auger with Drive.
- (8) Control Port, and Hopper Valve.
- (9) 12' x 36' Skidded Operator's Control Center, Motor Control Center,
Ultratech[®] Process and Silo Loadout Controls, and Vector
Burner Control.
- (10) One 10' x 15' Skidded Recycle Bin — Series I, One Bin Vibrator, 12" x 33"
- (11) Trough Feeder with Drive, Cutter Bin, 30" Conveyors, Major
Full Bulkheads, Corrugated Corrugated Acces Platform with Ladder, and
Full Bulkheads with Wing Bolts.
- (12) 4' x 10' Delister Recycle Vibrating Screen, Single Deck with Drive.
- (13) 24" x 70' Shredded Recycle Scale Conveyor with Drive.
- (14) Four 200 Ton Deluster Stationary Silos with Safety Gates, 1/2" Ceramic
Coat Liners, 1/2" x 2 Ceramic Wall Liners and Rotary Plant
Air Compressor.
- (15) Top of Silo Blue Smoke for Four Silos over Two-Drives.
- (16) 400 TPH x 86' Deluxe Slot Conveyor with Cleatout, Reject Chute, and Drive.
- (17) Two 400 TPH x 16' Two Way Top of Silo Transfer, and One 483 TPH x 18'
Top of Silo Cross Transfer Conveyor Each with Drives.
- (18) HFEDO 2000 Gencor Hot Oil Fly Way Heater with Expansion Tank Stand.
- (19) Two 30,000 Gallon Induced Draft AC Vertical Tanks with Unloading
Pump, and 3" Unloading/Venting Piping.
- (20) Two 11x 100' Rice Lake Low-Trolley Truck Scales



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Scale: 1/2" = 1'-0" (1:48)

0 10 20 30 40 50 60 70 80 90 100